

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPENWAVE SYSTEMS INC.,  
Plaintiff,

No. C 10-02805 WHA

v.

MYRIAD FRANCE S.A.S.,  
Defendant.

**ORDER RE SUPPLEMENTAL  
BRIEFING ON MOTION FOR  
DISQUALIFICATION**

AND RELATED COUNTERCLAIMS

As stated at the March 24 hearing on the motion to disqualify counsel, each side should submit a supplemental brief addressing the following question — and the following question *only* — by **NOON ON MARCH 28, 2011**:

Assuming *arguendo* there was a proven violation of Rule 3-310(E) of the California Rules of Professional Conduct, does it automatically follow that counsel must be disqualified, or is disqualification a decision within the discretion of the Court?

Each party's supplemental brief may be no more than five double-spaced pages with no footnotes, no attachments, and no accompanying declarations. The briefs should address this standard generally without focusing on tangential issues such as waiver.

**IT IS SO ORDERED.**

Dated: March 24, 2011.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE